UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,281	10/24/2005	Gunter Fuhr	46955.23	8505
	7590 05/05/200 DDLE & REATH	EXAMINER		
	LECTUAL PROPERT	MACAULEY, SHERIDAN R		
ONE LOGAN SQUARE 18TH AND CHERRY STREETS			ART UNIT	PAPER NUMBER
PHILADELPH	IA, PA 19103-6996	1651		
			MAIL DATE	DELIVERY MODE
			05/05/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1) Responsive to communication(s) filed on 08 January 2009. 2a This action is FINAL. 2b This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-19 is/are pending in the application. 4a) Of the above claim(s) 1-14 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 15-19 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 9) The specification is objected to by the Examiner. Application Papers 9) The prawing(s) filed on 21 April 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:								
Examiner Art Unit SHERIDAN R. MACAULEY 1651		Application No.	Applicant(s)					
SHERIDAN R. MACAULEY SHERIDAN R. MACAULEY 1681 A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. I also stay, high with the side of second participation of the communication. I Ploy partial for right is specified above. The meanimum stantatory princip and with the participation and participation of the communication. I Ploy partial for right is specified above. The meanimum stantatory princip and with the particip and with the participation. I shall be stay, high with the side or shallow greater as application from abbundance or a shallow. Ploy status and the standard participation and standard participation. I shall be stay, high with the set or administration of the communication. Ploy is status as a shall be shall be shallowed.		10/532,281	FUHR ET AL.					
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Leatenages of time may be available useful to provide useful of the provided useful to be provided useful to provide	Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Exhibitors of time rary to available under the provisions of 37 °CF1 1.38(a). In or ownti, however, may a rapky be timely filed - Exhibitor of rays is specified above, the maximum statutory pands will up available, and will apply and will expand x(0) (MORTHS from the mailing date of this communication or part of the communication or part of the communication. Set of this communication and patient bern adjustment. See 37 °CF1 1.74(a)). Status 1) □ Responsive to communication(s) filed on 88 January 2009. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 °C.D. 11, 453 °O.G. 213. Disposition of Claims 4) □ Claim(s) 1-19 is/are pending in the application. 4a) Of the above claim(s) 1-1/4 is/are withdrawn from consideration. 5□ □ claim(s) 15-19 is/are rejected. 7□ □ claim(s) 15-19 is/are rejected. 7□ □ claim(s) 15-19 is/are rejected. 7□ □ Claim(s) 15-19 is/are rejected to by the Examiner. 10) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on 21 April 2005 is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9□ □ The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1 □ □ Certified copies of the priority documents have been received. 2 □ Certified copies of the priority documents have been received in Application No. □ . 3 □ Notice of References Cited (PTO-882) 1 □		SHERIDAN R. MACAULEY	1651					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, PROM THE MAILING DATE OF THIS COMMUNICATION. - Expenditure of time rings to administration and the provision of 57 CPT 1.1901, in the overth. Nevert. rings a regive be timely filled. - If 10 period for rigity is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mating date of this communication Failure for regive is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mating date of this communication Failure for reply willing the set or exceeded period for regive will. by statuse, cause the expenditure of the communication, never if timely filled, may reduce any control practice. - Failure for period will apply and will expire SIX (6) MONTHS from the mating date of this communication, never if timely filled, may reduce any control practice. - Failure for period will apply any any expired status. - Status - Status - Status - Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. - Disposition of Claims - Application of Claims - Application of Claims - Application of Claims - Application of Claims - Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. - Disposition of Claims - Application of Claims - Application of Claims - Since this application is the application of a specific advantage of the merits is considered and the practice of the control of the decay of the practice of the control of the decay of the parter and the practice of the parter Application and the practice of the parter Application is objected to by the Examiner. - Application Papers - Application Papers - Application provided th		ears on the cover sheet with the c	orrespondence address					
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Elements of the may be variable under the provisions of 3 °CFR 1.18(a). In event, however, may a reply be timely filed after 5X (c) MCNTHS from the mailing date of this communication. Failure for egy which the set or calended period for egy will, by statics, each the application to the mailing date of this communication. Failure for egy which the set or calended period for egy will, by statics, each the application to the mailing date of this communication. Provided by the Critical bursh and provided by the communication of the mailing date of this communication, over if timely filed, may reduce any variety experts them dependent to make the application to the more MAINLOSHOP, GLS U.S. €; 1333. Any reply received by the Examinary and the mailing date of this communication, over if timely filed, may reduce any variety entered to the mailing date of this communication, over if timely filed, may reduce any variety entered to the mail of the communication of the mailing date of this communication. Phis action is FINAL. 2b ST his action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s) 1-19 is/are pending in the application. 4 Claim(s) 1-19 is/are pending in the application. 5 Claim(s) is/are allowed. 5 Claim(s) is/are allowed. 6 Claim(s) is/are objected to. 8 Claim(s) is/are allowed. Claim(s) is/are allowed. Claim(s) is/are objected to by the Examiner. 7 Claim(s) is/are objected to by the Examiner. Application Papers 9 The specification is objected to by the Examiner. Application Papers 9 The specification is objected to by the Examiner. Application paper and the interval of the date of the date of the date of the control of the date of t								
1) Responsive to communication(s) filed on <u>08 January 2009.</u> 2a	 WHICHEVER IS LONGER, FROM THE MAILING DA Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing 	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).					
2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s) 1-19 is/are pending in the application. 4a) Of the above claim(s) 1-14 is/are withdrawn from consideration. 5 Claim(s) is/are allowed. 6 Claim(s) is/are objected to. 8 Claim(s) is/are objected to. 8 Claim(s) is/are objected to. 9 The specification is objected to by the Examiner. 10 The drawing(s) filed on 21 April 2005 is/are: a) accepted or b) objected to by the Examiner. Application Papers 9 The specification is objected to the drawing(s) be held in aboyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11 The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some colling the priority documents have been received. 2 Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.	Status							
2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s) 1-19 is/are pending in the application. 4a) Of the above claim(s) 1-14 is/are withdrawn from consideration. 5 Claim(s) is/are allowed. 6 Claim(s) is/are objected to. 8 Claim(s) is/are objected to. 8 Claim(s) is/are objected to. 9 The specification is objected to by the Examiner. 10 The drawing(s) filed on 21 April 2005 is/are: a) accepted or b) objected to by the Examiner. Application Papers 9 The specification is objected to the drawing(s) be held in aboyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11 The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some colling the priority documents have been received. 2 Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.	1) Responsive to communication(s) filed on 08 Ja	nuary 2009						
3	,							
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)	·		secution as to the merits is					
Al) Claim(s) 1-19 is/are pending in the application. 4a) Of the above claim(s) 1-14 is/are withdrawn from consideration. 5) □ Claim(s) □ is/are allowed. 6) □ Claim(s) □ is/are rejected. 7) □ Claim(s) □ is/are objected to. 8) □ Claim(s) □ is/are objected to. 8) □ Claim(s) □ are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filled on 21 April 2005 is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received in Application No. □ . 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) □ Notice of References Cited (PTO-892) 1) □ Notice of References Cited (PTO-892) 2) □ Notice of Draftsperson's Patent Naming Review (PTO-948) 3) □ Information Disclosure Statement(s) (PTO/SB/08) 5) □ Notice of Informal Patent Application		·— · · · · · · · · · · · · · · · · · ·						
4) Claim(s) 1-19 is/are pending in the application. 4a) Of the above claim(s) 1-14 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 21 April 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	·							
4a) Of the above claim(s) 1-14 is/are withdrawn from consideration. 5) □ Claim(s) □ is/are allowed. 6) ☒ Claim(s) □ is/are rejected. 7) □ Claim(s) □ is/are objected to. 8) □ Claim(s) □ is/are objected to. 8) □ Claim(s) □ are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) ☒ The drawing(s) filed on 21 April 2005 is/are: a) ☒ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☒ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No. □ . 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) □ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) □ Information Disclosure Statement(s) (PTO-980) 5) □ Notice of Informal Patent Application	· <u> </u>							
5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 21	· · · · · · · · · · · · · · · · · · ·							
6) Claim(s) 15-19 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 21 April 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of Profesperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application								
7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 21 April 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some or None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Altachment(s) 1) Notice of References Cited (PTO-892) Altachment(s) 1) Notice of Partsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application	· <u> </u>							
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 21 April 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Interview Summary (PTO-413) Paper No(s)/Mail Date. Paper No(s)/Mail Date. 1) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/S8/08)								
Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☑ The drawing(s) filed on 21 April 2005 is/are: a) ☑ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☑ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☑ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 20 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) 5) ☐ Notice of Informal Patent Application	·	r election requirement						
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 21 April 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some cyl None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Altachment(s)		election requirement.						
10) ☐ The drawing(s) filed on 21 April 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) 5) ☐ Notice of Informal Patent Application	Application Papers							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)	9)☐ The specification is objected to by the Examine	r.						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some columns have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)	10)⊠ The drawing(s) filed on <u>21 April 2005</u> is/are: a)⊠ accepted or b)⊡ objected to by the Examiner.							
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☑ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☑ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 1 Notice of Informal Patent Application	11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.					
a) \[All \] b) \[Some * c) \[None of: \] 1. \[Certified copies of the priority documents have been received. \] 2. \[Certified copies of the priority documents have been received in Application No \] 3. \[Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) \[Notice of References Cited (PTO-892) \] 2) \[Notice of Draftsperson's Patent Drawing Review (PTO-948) \] 3) \[Information Disclosure Statement(s) (PTO/SB/08) \] 5) \[Notice of Informal Patent Application \]	Priority under 35 U.S.C. § 119							
a) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application	12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
2. ☐ Certified copies of the priority documents have been received in Application No 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) 4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date 5) ☐ Notice of Informal Patent Application								
2. ☐ Certified copies of the priority documents have been received in Application No 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) 4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date 5) ☐ Notice of Informal Patent Application	1. Certified copies of the priority documents have been received.							
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date Paper No(s)/Mail Date 5) Notice of Informal Patent Application								
* See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) * See the attached detailed Office action for a list of the certified copies not received. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application	3. Copies of the certified copies of the priority documents have been received in this National Stage							
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application								
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application	* See the attached detailed Office action for a list of the certified copies not received.							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application		•						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application	Attachment(s)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application		4) Interview Summarv	(PTO-413)					
o) In morniation biodicours statement(s) (1 1 9 6 5 100)	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ate					
		· —	atent Application					

Application/Control Number: 10/532,281 Page 2

Art Unit: 1651

DETAILED ACTION

1. The response and amendment received on January 8, 2009 have been entered. All evidence and arguments have been fully considered. New claim 19 has been added. Claims 1-19 are pending. Claims 1-14 have been withdrawn due to a previous requirement for restriction. Claims 15-19 are examined on the merits in this office action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 8, 2009 has been entered.

Claim Rejections - 35 USC § 102

3. Rejections under 35 USC 102 have been withdrawn due to amendment.

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Application/Control Number: 10/532,281 Page 3

Art Unit: 1651

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

- 5. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 - 1. Determining the scope and contents of the prior art.
 - 2. Ascertaining the differences between the prior art and the claims at issue.
 - 3. Resolving the level of ordinary skill in the pertinent art.
 - 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
- 7. Claims 15-19 are rejected under 35 U.S.C. 103(a) as obvious over Fuhr et al. (WO02/46719, see US 2004/0065093 for English translation; both references are cited in a previous action) in view of Kienholz (5,415,282; document cited in IDS). Claim 15 recites a method for storage of at least one suspension specimen in a low-temperature state in a carrier comprising the steps of: accommodating the at least one suspension specimen in at least one specimen chamber made of a flexible material that is elastically deformable at room temperature; positioning the specimen chamber on a first

frame part of a mounting frame of the carrier after accommodating the at least on e suspension specimen in the specimen chamber, the mounting frame comprising said first frame part and a second separate frame part, said frame parts adapted for assembling together detachably using one or more connecting elements; connecting the first and second frame parts into an assembled state wherein the first and second frame parts come into contact on side faces of the frame parts and with the specimen chamber, wherein the specimen chamber is securely clamped by the first and second frame parts such that it is immovable relative to the mounting frame; and converting the suspension specimen to a low-temperature state by positioning the carrier with the specimen chamber in cryomedium. Claim 16 recites the method of claim 15, wherein each specimen chamber comprises at least one inlet end and one outlet end, and at least one suspension specimen is inserted into a corresponding specimen chamber by immersing the inlet end of the corresponding specimen chamber into a specimen reservoir and transferring the suspension specimen under the influence of a vacuum applied to the corresponding outlet end of the specimen chamber, or under the influence of capillary forces. Claim 17 recites the method of claim 15, wherein at least one partial specimen is detached from the at least on specimen chamber in the low temperature state by mechanical separation. Claim 18 recites the method of claim 17, wherein the mechanical separation comprises cutting off chamber sections of the specimen chamber adjacent to the frame parts of the carrier. Claim 19 recites the method of claim 15 wherein each of the first and second frame parts has a circumferential shape.

8. Fuhr teaches a method for storage of a suspension specimen in a lowtemperature state in a carrier comprising accommodating the specimen in a specimen chamber that may be made of a flexible material (note that Fuhr discusses the use of a meandering hose that may be closed by clamping together; see English translation, p. 7, par. 82-83), positioning the specimen chamber in a first frame part of a mounting frame of a carrier, which comprises a first and second frame part, which are adapted for assembling together, connecting the first and second frame parts into an assembled state wherein the first and second parts come into contact on side faces with the specimen chamber, and converting the specimen to a low-temperature state by positioning the carrier with the specimen chamber in a cryomedium (see English translation, figs. 17, 18, 21-24, p. 3, par. 24, p. 4, par. 48-49, p. 8, par. 88, 91). Fuhr teaches the positioning of the flexible material in the mounting frame (see for example, fig. 17) and the closure of the tubes by clamping at a location adjacent to the mounting frame (see again fig. 17 at 614 and p. 7 par. 82). The specimen chambers of Fuhr may comprise an inlet end and an outlet end and may be filled with a suspension specimen by placing the inlet end into a specimen chamber and applying reduced pressure to the outlet end (i.e. the chamber is filled by application of a vacuum or by capillary forces; fig. 21, see English translation, p. 8 par. 88). Fuhr teaches that the frame parts may have a circumferential shape (see figs. 17 and 18 at 621). In the method of Fuhr, at least one partial specimen may be detached from the specimen chamber in the low-temperature state by mechanical separation, such as cutting off chamber sections of the specimen chamber adjacent to frame parts of the carrier (see English translation, figs. 21, 22, p. 5, Application/Control Number: 10/532,281

Art Unit: 1651

par. 60, p. 7, par. 80, p. 8, par. 90). Fuhr does not specifically teach the clamping of the specimen chamber in a first and second separate frame part of the mounting frame after accommodating the suspension specimen in the specimen chamber, wherein the specimen chamber is securely clamped by the first and second frame parts.

Page 6

- 9. Keinholz teaches a storage container for biological specimens wherein the flexible specimen chamber is securely clamped by two frame parts that are detachably assembled after accommodating the specimen in the container (abstract, figs. 1 and 2).
- 10. At the time of the invention, a method for storage of biological specimens comprising nearly all of the claimed elements was known, as taught by Fuhr. It was further known in the art that flexible containers comprising biological specimens could be clamped between two frame parts that may be assembled detachably, as taught by Keinholz. One of ordinary skill in the art would have been motivated to modify the teachings of Fuhr such that the clamping mechanism for the specimen chambers was integrated into the frame elements because Fuhr teaches the positioning of the flexible material into the mounting frame (see fig. 17), the filling of the meandering hose that serves as the specimen chamber (see p. 7, par. 80) and the closure of the tubes by clamping adjacent to the mounting frame (see fig. 17 at 614 and p. 7 par. 82). Since Keinholz teaches that the clamping mechanism could be integrated into frames in methods for the encapsulation of biological specimens, one of ordinary skill in the art would have recognized that, after the filling of the tubes, a frame element could have been placed over the assembly to clamp the tubes rather than individually clamping each of the specimen chambers. One would further have recognized that this would

Art Unit: 1651

have been desirable because it eliminates the additional step of clamping individual specimen chambers. Furthermore, after clamping a circular hose, as depicted in the invention of Fuhr (see fig. 17), the circumference of the hose would be encompassed in the clamp, and thus the shape of the frame parts serving as the clamp would be circumferential. Since such clamping mechanisms were known to be suitable for the storage of biological specimens at the time of the invention, one of ordinary skill in the art could have performed such a method with a reasonable expectation of success. It would therefore have been obvious for one of ordinary skill in the art to modify the teachings discussed above to arrive at the claimed invention.

11. Thus, the claims are anticipated by or, in the alternative, are rendered obvious by the cited reference.

Response to Arguments

12. Applicant's arguments with respect to claims 15-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHERIDAN R. MACAULEY whose telephone number is (571)270-3056. The examiner can normally be reached on Mon-Thurs, 7:30AM-5:00PM EST, alternate Fridays.

Application/Control Number: 10/532,281 Page 8

Art Unit: 1651

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on (571) 272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SRM

/Cecilia Tsang/ Supervisory Patent Examiner, Art Unit 1654